

1 RENE L. VALLADARES
Federal Public Defender
2 Nevada State Bar No. 11479
3 BRANDON C. JAROCH
Assistant Federal Public Defender
4 411 E. Bonneville, Ste. 250
Las Vegas, Nevada 89101
5 (702) 388-6577/Phone
6 (702) 388-6261/Fax
Brandon_Jaroch@fd.org
7
8 Attorney for Demetrius Ware

9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 v.
15 DEMETRIUS WARE,
16 Defendant.

Case No.: 2:20-cr-00029-RFB-BNW

**STIPULATION TO CONTINUE
MOTION DEADLINES AND TRIAL
DATES**
(Second Request)

17
18 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
19 Trutanich, United States Attorney, and Brett Ruff, Assistant United States Attorney, counsel
20 for the United States of America, and Rene L. Valladares, Federal Public Defender, and
21 Brandon C. Jaroch, Assistant Federal Public Defender, counsel for Demetrius Ware, that the
22 calendar call currently scheduled for August 18, 2020 at 1:30 p.m., and the trial scheduled for
23 August 24, 2020 at 9:00 a.m., be vacated and set to a date and time convenient to this Court,
24 but no sooner than sixty (60) days.

25 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to
26 and including August 31, 2020, to file any and all pretrial motions and notices of defense.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
2 shall have to and including September 14, 2020, to file any and all responsive pleadings.

3 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
4 shall have to and including September 21, 2020, to file any and all replies in support of pretrial
5 motions and notices of defenses.

6 The Stipulation is entered into for the following reasons:

7 1. On March 16, 2020, the Chief Judge of the U.S. District Court for the District
8 of Nevada issued Temporary General order 2020-03 (the “General Order”). The Order explains
9 that, due to the outbreak of the coronavirus 2019 (“COVID-2019”) in the District of Nevada,
10 the declaration by the Governor of the State of Nevada of a public health emergency due to the
11 spread of COVID-19 in Nevada, the declaration of local emergencies by local governments due
12 to COVID-19, and the public health recommendations—including recommendations for social
13 distancing and limiting large-group gatherings—the Court has sustained a “reduced ability to
14 obtain an adequate spectrum of jurors” and reduced availability of counsel and Court staff. The
15 General Order accordingly continued all civil and criminal trials until April 10, 2020, pending
16 further order of the Court, and found that “the ends of justice are best served by ordering
17 continuances, which outweighs the best interests of the public and any defendant’s right to a
18 speedy trial under 18 U.S.C. § 3161(h)(7)(A).”

19 2. Continuing this deadline trial will serve the critical interests emphasized in the
20 General Order. Given the grave public-health concerns discussed in the General Order, in
21 addition to difficulty—or impossibility—of securing a jury pool that would represent a fair
22 cross section of the community at this time, the ends of justice served by the requested
23 continuance in this case outweigh the best interests of the public and defendant in a speedy trial.
24 The additional time requested by this Motion is excludable in computing the time within which
25 the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. 3161(h)(7)(A)

26 3. The parties agree to the continuance.

1 4. The additional time requested herein is not sought for purposes of delay, but
2 merely to allow counsel for defendant sufficient time within which to be able to effectively and
3 complete investigation of the discovery materials provided and to prepare for trial.

4 5. Additionally, denial of this request for continuance could result in a miscarriage
5 of justice. The additional time requested by this Stipulation is excludable in computing the time
6 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
7 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
8 Section 3161(h)(7)(B)(i), (iv).

9 This is the second stipulation to continue filed herein.

10 DATED this 12th day of August, 2020.

11 RENE L. VALLADARES
12 Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

13 /s/ *Brandon C. Jaroch*
14 By _____

/s/ *Brett Ruff*
By _____

15 BRANDON C. JAROCH
16 Assistant Federal Public Defender

BRETT RUFF
Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3
4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 DEMETRIUS WARE,

8 Defendant.

Case No.: 2:20-cr-00029-RFB-BNW

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

9
10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
12 Court finds that:

13 1. On March 16, 2020, the Chief Judge of the U.S. District Court for the District
14 of Nevada issued Temporary General order 2020-03 (the “General Order”). The Order explains
15 that, due to the outbreak of the coronavirus 2019 (“COVID-2019”) in the District of Nevada,
16 the declaration by the Governor of the State of Nevada of a public health emergency due to the
17 spread of COVID-19 in Nevada, the declaration of local emergencies by local governments due
18 to COVID-19, and the public health recommendations—including recommendations for social
19 distancing and limiting large-group gatherings—the Court has sustained a “reduced ability to
20 obtain an adequate spectrum of jurors” and reduced availability of counsel and Court staff. The
21 General Order accordingly continued all civil and criminal trials until April 10, 2020, pending
22 further order of the Court, and found that “the ends of justice are best served by ordering
23 continuances, which outweighs the best interests of the public and any defendant’s right to a
24 speedy trial under 18 U.S.C. § 3161(h)(7)(A).”

25 2. Continuing this deadline trial will serve the critical interests emphasized in the
26 General Order. Given the grave public-health concerns discussed in the General Order, in

1 addition to difficulty—or impossibility—of securing a jury pool that would represent a fair
2 cross section of the community at this time, the ends of justice served by the requested
3 continuance in this case outweigh the best interests of the public and defendant in a speedy trial.
4 The additional time requested by this Motion is excludable in computing the time within which
5 the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. 3161(h)(7)(A)

6 3. The parties agree to the continuance.

7 4. The additional time requested herein is not sought for purposes of delay, but
8 merely to allow counsel for defendant sufficient time within which to be able to effectively and
9 complete investigation of the discovery materials provided and prepare for trial.

10 5. Additionally, denial of this request for continuance could result in a miscarriage
11 of justice. The additional time requested by this Stipulation is excludable in computing the time
12 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
13 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
14 Section 3161(h)(7)(B)(i), (iv).

15 **CONCLUSIONS OF LAW**

16 The ends of justice served by granting said continuance outweigh the best interest of the
17 public and the defendant in a speedy trial, since the failure to grant said continuance would be
18 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
19 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
20 account the exercise of due diligence.

21 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
22 United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18,
23 United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS FURTHER ORDERED that the parties shall have to and including August 31, 2020 to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including September 14, 2020 to file any and all responses.

IT IS FURTHER ORDERED that the parties shall have to and including September 21, 2020 to file any and all replies.

IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be electronically submitted to the Court by the 6th day of November, 2020, by the hour of 4:00 p.m.

IT IS FURTHER ORDERED that the calendar call currently scheduled for August 18, 2020, at the hour of 1:30 p.m., be vacated and continued to November 10, 2020 at the hour of 1:30 a.m.; and the trial currently scheduled for August 24, 2020, at the hour of 9:00 a.m., be vacated and continued to November 16, 2020 at the hour of 9:00 a.m.

DATED this 13th day of August, 2020.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE